

HOLDS FEE-SPLITTING TO BE FORM OF GRAFT

Attorney-General Says Noland Bill, If Enacted, Will Be Sustained by Courts.

AIMED AT MEDICAL SHARPPERS

Makes It Misdemeanor for Physician to Accept Fee for Sending Patient to Any Hospital or to Split Fees With Surgeon.

The Senate Committee on General Laws met yesterday afternoon to discuss the bill offered by Delegate H. E. Noland, which, if adopted, will make it a misdemeanor for a physician to accept a fee for sending a patient to any hospital, with the understanding in advance that he is to receive a part of the payment of the patient, or to get a certain stipulated fee for his suggestion to the patient that he go to any certain hospital for treatment. The bill has already passed the House.

While there seems some interest in the passage of the bill, a prominent local physician stated last night that it could not apply to Richmond physicians and surgeons. He was confident that no such practice was indulged in here.

Attorney-General Pollard, when asked for an opinion as to the constitutionality of the proposed bill, on yesterday answered the request in the form of a written opinion which was read at the conference. He characterized such practice as "graft," and stated as his opinion that the bill was unconstitutional. The Attorney-General based his opinion upon a question of public policy.

CITES ANTI-GRAFT STATUTES AS PRECEDENTS

The opinion follows: "To the Honorable Committee on General Laws, Senate of Virginia, Richmond: 'Gentlemen: I received through Hon. C. C. Connor, Governor, on Friday the request of your committee for my opinion as to the constitutionality of House bill 64, to prohibit division of fees between physicians and surgeons. The bill provides that no surgeon shall directly or indirectly share any fee charged for a surgical operation with a physician who brings, sends or recommends a patient to such surgeon for such operation, and no physician who brings, sends or recommends any patient to a surgeon for a surgical operation shall accept from such surgeon any portion of the fee charged for such operation.'

"I do not understand that the bill presents any question as to the right of physicians to make a division of fees between themselves for services performed in part by both, but the question is whether the physician can receive any part of the surgeon's fees as a bonus or gratuity, for which the physician performs no service either to the patient or to the surgeon except the mere bringing together of the surgeon and patient; nor do I understand that the bill raises any question as to the right of the physician to compensation for his time and expenses in accompanying the patient to the surgeon, nor does it involve any question as to the physician receiving a fee for aiding in the operation or for treating the patient preparatory to the operation or subsequent thereto.

"The only question involved seems to be whether the apparent infringement on the liberty of contract embodied in the bill is justified by some public policy. It is aimed at and is reasonably calculated to prevent a practice so injurious to the public health or general welfare as to bring it within the scope of the police power of the State. As I understand it, friends of the bill claim that the practice of dividing fees between physicians and surgeons should be prohibited for the following reasons:

"First, the practice tempts the physician to consider his own interest rather than that of his patient by recommending a surgeon to the patient on account of his skill, but because of his willingness to make a liberal division of the fees charged for the surgical operation.

"Second, it also tempts the physician to recommend surgical operations where none are necessary; and

"Third, that the practice is a form of graft in that the physician bringing the patient to the surgeon does nothing to earn any part of the surgical fee, and that the portion of the fee given the physician is usually added by the surgeon to the fee charged for the operation; hence the patient is charged a fee in excess of what the operation is worth, said excess secretly going to the physician. Such practice finds its analogies in the prohibited by the anti-graft statute, chapter 250, acts 1906, where it is provided that if any employee, authorized to procure materials, supplies, etc., receives directly or indirectly for himself or another, a commission, discount or bonus from the person from whom he purchases for his principal, he shall be deemed guilty of a misdemeanor.

"I was not aware of the existence of the practice at which the bill is aimed, nor can I judge from the information before me the extent to which public policy may be involved. There is no decision of the Supreme Court of Appeals of Virginia, nor of any other court, so far as I know, which would give any indication as to whether the courts would sustain this particular practice as against sound public policy. I can, therefore, only say that if it be found that the practice of dividing fees between physicians and surgeons does in fact endanger the public health or general welfare of the people, I have no doubt of the power of the State to prohibit the practice in the manner set forth in the bill.

"Yours very truly,

JOHN GARLAND POLLARD,

Attorney-General of Virginia.

INTERESTING ADDITIONS

TO VON PAPAN LETTERS

(Continued from First Page.)

not a number of people in Mexico who were in close touch with Huerta. Without exception, they all spoke very highly of the President's patriotism, capacity and energy.

"I likewise do not share the views of our worthy admiral about the timeliness or power of international intervention in Mexico. Von Hintze's attitude toward this subject will be familiar to you from one of the embassy reports."

VON PAPAN RECOMMENDED

TO IMPERIAL CHANCELLOR

Admiral von Hintze wrote to the Imperial Chancellor from Mexico on July 21, 1914, strongly recommending Captain von Papan's work to and recommending him for the fourth-class Order of the Red Eagle. In the course of the letter, a copy of which von Papan carried, the admiral said:

"To showed special industry in organizing the German colony for purposes of self-defense, and out of this shy, fawning material, unwilling to

To-Day and To-Night in Richmond.

State Senate, Capitol, 12 noon. House of Delegates, Capitol, 10 o'clock. Charity bazaar, benefit retreat for the Sick, Richmond Hotel, 8:30 o'clock. Art Club, address by Mrs. Nellie Nelson Robins, 4:30 o'clock. James River Garden Club, J. W. C. A., 3 o'clock. Grand Lodge of Virginia, Masonic Temple, 7:30 o'clock. Rotary Club, address by Joe Mitchell Chappell, Lexington Hotel, 6:30 o'clock. Burton Heights School, addresses by candidates for Mayor, 8 o'clock. Academy—The Eternal Magazine, matinee, 2:30; night, 8:30. Lyric—Popular vaudeville matinee, 3; night, 7:30 and 9.

The Weather

Forecast: Virginia—Fair Tuesday, colder in the east and south portions; Wednesday fair, with rising temperatures.

Local Temperature. 12 noon temperature, 54. 3 P. M. temperature, 52. Maximum temperature to 8 P. M., 52. Minimum temperature to 8 P. M., 48. Mean temperature, 50. Excess in temperature, 132. Deficiency in temperature, 132. Accumulated excess since January 1, 152.

Local Rainfall. Rainfall last twenty-four hours, None. Deficiency in rainfall since March 1, 1915, 6.21. Deficiency in rainfall since January 1, 1916, 8.65.

Local Barometer Readings. 8 A. M., 30.05. 2 P. M., 30.19. Local Observation at 8 P. M. Yesterday. Temperature, 38; humidity, 74; wind, direction, northwesterly; velocity, 13 miles; weather, clear.

Place	8 P. M.	High	Low	Weather
Annapolis	41	42	39	Clear
Atlanta	41	42	39	Clear
Baltimore	41	42	39	Clear
Buffalo	41	42	39	Clear
Charleston	41	42	39	Clear
Chicago	41	42	39	Clear
Cincinnati	41	42	39	Clear
Cleveland	41	42	39	Clear
Dayton	41	42	39	Clear
Denver	41	42	39	Clear
Des Moines	41	42	39	Clear
Indianapolis	41	42	39	Clear
Jacksonville	41	42	39	Clear
Kansas City	41	42	39	Clear
Louisville	41	42	39	Clear
Memphis	41	42	39	Clear
Mobile	41	42	39	Clear
New Orleans	41	42	39	Clear
New York	41	42	39	Clear
Philadelphia	41	42	39	Clear
Pittsburgh	41	42	39	Clear
Portland	41	42	39	Clear
San Francisco	41	42	39	Clear
St. Louis	41	42	39	Clear
St. Paul	41	42	39	Clear
Wash. D. C.	41	42	39	Clear
Wichita	41	42	39	Clear
Wilmington	41	42	39	Clear
Wytheville	41	42	39	Clear

MINUTE ALMANAC. February 8, 1916. HIGH TIDE, 8:25. LOW TIDE, 2:25. Sun rises, 7:05. Sun sets, 5:54. Evening, 9:24.

understate any military activity, he obtained what there was to be got."

A letter from Colonel H. Herwarth, of the general staff, dated Berlin, March 10, 1915, says:

"I strongly advise you to see Langhorne, of course, you know he is recruiting. Everybody expects his departure. He is quite exceptionally popular with every one here."

The letter continues: "The bearer of this letter, Mr. Lyell Fox, can give you news of Berlin. He is reliable, and understands how shamefully dependent on England the United States have become. The German Government is a neutral. I think there soon will be a big change in American opinion."

Another Herwarth letter, dated March 22, says: "I hope you and Boy-Ed received all my letters which I forwarded to you through Langhorne and Fox. I am sure you and Boy-Ed will do your share to contribute to this result. I shall do all I can by influencing the reporters who always come to see me."

UNFAVORABLE OPINION OF AMBASSADOR GERAUD

A letter from Edward Lyell Fox, dated Berlin, July 22, says:

"It is my sincere conviction, and in behalf of many other American correspondents here, that the understandings between our countries are due to the poor advice and warped viewpoint of the American embassy here."

The letter gives no hint as to what affair it refers to.

Another note follows:

"Dear Von Papan:

"A secret agent who returned from England this evening made the following statement: 'The Washington people are very excited about Von Papan

and are having a constant watch kept on them. They are in possession of a whole heap of incriminating evidence against him. (This sentence is underlined.) They have no evidence against Count B. and Captain B. E.'"

"In this connection I would suggest, with due deference, that perhaps the first part of your telegram is worded rather too emphatically.

"Yours ever,

"B. E."

Dr. Dumba, the former Austrian ambassador at Washington, whose recall was requested by the American government, wrote from Leno on September 1, 1915:

"Everything has ended happily in Washington, and the people already think they hear the bells of peace ringing. I have not got too long to wait, but it just shows what a good effect is produced by good words and a light hand."

VERECK THOROUGHLY ASHAMED OF COUNTRY

A letter from George Sylvester Vereck, dated December 4, 1915, contains the following:

"While I am thoroughly ashamed of my country at present, I nevertheless, intend to stay here and fight for justice and fair play."

A letter from George von Skal to Maxilian Harden, dated December 15, 1915, includes this:

"About a year ago I told you you should hold too high an opinion of your country. I am now in a difficult situation. He has shown tact, skill and energy beyond anything that we expected of him. Any one who is in power here cannot fail unreservedly to admit and admire his activities. He well deserves kind words once in a way."

Clearly as there are still influences at work on your side who wish to deny his services. On the foremost of these is the widow of Von Seiborn. The fact that for a time B. could accomplish but little here was mainly due to the presence of your friend, B. D., who, I may remark in parentheses, is now in the hands of that puny little Harden. This man was regarded by Americans, even by many Germans, as the real ambassador. His immense vanity, his desire to become the front, his false flattery—did a very great deal of harm."

The letter contains considerably more denunciation of Dr. Bernhard Dernburg, but the fact that for a time B. could accomplish but little here was mainly due to the presence of your friend, B. D., who, I may remark in parentheses, is now in the hands of that puny little Harden. This man was regarded by Americans, even by many Germans, as the real ambassador. His immense vanity, his desire to become the front, his false flattery—did a very great deal of harm."

SITUATION IN ARKANSAS TOWNS IS MORE HOPEFUL

Still Threatened With Destruction if Mississippi River Levees Break.

BELIEVED THEY WILL HOLD

Relief Committee Bringing in Families From Rural Sections—Calls for Assistance Repeated From Clarendon—Lumber Plant Burns.

LITTLE ROCK, ARK., February 7.—Arkansas City and Lake Village, in Southeastern Arkansas, both of which are submerged in the great lake formed by flood waters pouring through broken Arkansas River levees, and which are threatened with destruction should the Mississippi levees break, reported the situation more hopeful to-night.

At Arkansas City, to-night it is believed the levee will withstand a Mississippi River stage of 57.5 feet. The prediction is for fifty-seven feet. To-night the gauge registered 55.9 feet.

At Lake Village the flood waters rose a foot to-day, but it is believed they will go a little higher. A relief committee, working out of the town is bringing in marooned families from the rural districts. At Gould, Varna and other places on the western edge of the lake formed by the flood waters the water fell considerably to-day, it was reported.

Charles Mason, a farmer, is reported to have been drowned a few miles north of Arkansas City to-day.

A special train from Dermott to-day rescued all the inhabitants from Halley, which was flooded.

Military service has been obtained on boats from McGeehee. Sheriff Milwee, at Clarendon, which was submerged by the breaking of the White River levee, night repeated his call for assistance.

He said food and fuel are running low, and that great suffering may result.

About 250 persons left the city in boats to-day, and 150 are on the government boat Paganhaw, which was sent from Devalles Bluff to-day. More than 500 persons remain at Clarendon, and arrangements are being made to send food, fuel and clothing from Little Rock and nearby towns.

The large plant of the Clarendon Lumber Company caught fire and burned to the water's edge this morning.

Rare Beef Prevents Malaria.

NEWPORT, R. I., February 7.—Rare beef, if consumed several times a week, is a positive prevention of, and cure for malaria, according to an announcement to-day by Dr. E. C. Armstrong, of this city. Dr. Armstrong has been conducting an investigation on the

bank accounts show that Von Skal and W. von Igel each received a salary of \$25,000 a year, with certain expenses. Two checks of a total of \$500 are marked for "Caserta, Ottaviano." The Parliamentary paper contains the comment:

"This man repeatedly tried to enter the service of His Majesty's government. He is now interned in England."

MASONS TO MEET

Grand Lodge of Virginia Convenes in 13th Session Here To-Night.

At 7:30 o'clock to-night the Grand Lodge of Virginia, Ancient Free and Accepted Masons, will convene in its 13th annual communication. The session will continue three days.

The grand lodge officers are: grand master, James B. Wood, Charlottesville; deputy grand master, J. Alston Cabell, Richmond. The grand officers are: Henry Knox Field, grand senior warden, Alexandria; Ernest L. Cunningham, grand junior warden, Newport News; Colonel Frederick H. Hays, grand treasurer, Richmond; Charles A. Newhall, grand secretary, Richmond; John F. Mayer, deputy grand secretary, Richmond; May Sel, grand secretary, Norfolk; Rev. Harry B. Lee, grand chaplain, Charlottesville; Captain James H. Price, grand master, Chesapeake; grand purveyor, James A. Adams, grand treasurer, and A. Wingfield Baker, grand steward.

Department Is Reorganized.

(Special to The Times-Dispatch.) HOPKINSVILLE, VA., February 7.—The Hopkewell fire department held its first meeting to-night since the election of Robert Pennington as chief. The department has been reorganized under the direction of Chief Pennington, who is now in efficient working condition.

HAS TRAVELED A GREAT DEAL

Ronoake Man Searched the Country Over for His Lost Health.

Finally Finds It In His Own Home Town.

"I suffered from stomach and kidney trouble for fifteen years," said J. P. Harris, who lives at 8 East Salem Street, Roanoke. "I traveled extensively. I tried Hot Springs, Arkansas and Montana, but could get no relief. Patent medicines failed, and the treatment I was under brought no relief. Gas formed on my stomach, especially after eating, and I could not rest at night because my food would not digest."

"I read so much about Tanlac that I decided to try it. I saw it in the paper for me what it would do for others. After taking my first five or six doses I began to feel better. I took the whole bottle and felt so well that I tried another, and now I feel like a new man and sleep well at night. My troubles are at last ended, and Tanlac has done all that it claimed it would. I heartily recommend it to all sufferers of the same complaint as myself."

"Can you imagine how this man must have suffered from this common but dreadful malady? And after everything else had failed Tanlac brought a speedy but sure relief. It sounds remarkable, but it proves that the faith put in the Master Medicine by the patient is doing the same thing in all parts of the country, and in the short time it has been here it has won hundreds to its side."

If you are suffering from any of the ailments so common to-day in this day to one of the Polk Miller Drug Stores. Mr. Prince, the Tanlac man, is in daily attendance at the Broad and Third Street store where he will courteously explain Tanlac to all. Sold only at the above stores in this city. Price \$1 per bottle.—Advertisement.

TRY THIS FOR YOUR HEALTH

For diseases which do not readily yield to drug treatment, such as chronic dyspepsia, indigestion, neuritis, Bright's disease, gall stones, rheumatism, acid poisoning, and diseases of the kidney and liver, the best physicians see their wealthy patients to the famous mineral springs. Some even spend months at the spas of Europe and with almost invariably cured of great ailments.

I believe that the Shinarump Spring, the greatest mineral spring ever discovered, and I believe it so firmly that I offer to send you enough water for three weeks' treatment (one five-gallon demijohn) on my guarantee that if it fails to benefit your case I will refund the price. You would hardly believe me if I told you that on an average, say that they have really no benefit. The water is restoring thousands. It restored my health when my friends and physicians thought my case was incurable, and I am willing and anxious for you to match my faith in the Spring against my pocket book. If I win you become a life-long friend of the Spring. If I lose, I am sorry for you, but I will appreciate your courtesy in giving the water a trial and will gladly refund your money on request. Sign the following letter:

Name _____

Address _____

Shipping Point _____

(Please write distinctly.) Adv.

Quality in Furnishings, Reliability in the Firm, Economy in the Buyer,

are three essentials which will lead you to us.

PERIOD AND MODERN FURNITURE: RUGS, TAPESTRIES, KITCHEN ACCESSORIES.

Sydnor & Hundle, Incorporated

Box 70 C, Shelton, S. C.

I accept your guaranteed offer and enclose herewith two dollars for two gallons of Shinarump Mineral Spring Water. I agree to give it a fair trial in accordance with instructions contained in booklet you will send, and if it fails to benefit my case you agree to refund the price in full upon receipt of the two empty demijohns which agree to return promptly.

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